

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

Trustees of the
BRICKLAYERS PENSION TRUST FUND -
METROPOLITAN AREA *et al.*,

Plaintiffs,

v.

USDC Case No. 09-11290
HON. PATRICK J. DUGGAN

EVERLAST MASONRY, INC./
DRKK DEVELOPMENT, LLC, alter egos,

Defendants.

JOINT STIPULATION FOR ADMINISTRATIVE CLOSING DUE TO BANKRUPTCY

NOW COME the parties¹ to this suit, by and through their attorneys,² and submit this joint stipulation and proposed order in response to the Court's Order to Provide Status, dated January 11, 2011.

¹ Plaintiffs Bricklayers Pension Trust Fund - Metropolitan Area; Bricklayers and Trowel Trades International Pension Fund; Bricklayers and Trowel Trades International Retirement Savings Plan; Bricklayers Holiday Trust Fund, Metropolitan Area; Trowel Trades Health and Welfare Fund; Detroit and Vicinity; Bricklayers International Masonry Institute; Detroit Metropolitan Masonry Joint Apprenticeship and Training Committee; Masonry Promotion Fund; and Labor-management Cooperation Committee; are herein referred to as "Bricklayers Funds."

Plaintiffs Laborers Pension Trust Fund - Detroit and Vicinity; Laborers' Vacation and Holiday Trust Fund - Detroit And Vicinity; Laborers Metropolitan Detroit Health and Welfare Fund; Laborers' Annuity Fund - Detroit and Vicinity; and Michigan Laborers Training Fund, are herein referred to as "Laborers Funds."

WHEREFORE, the parties jointly and respectfully request that the Court enter the proposed order, attached.

Respectfully submitted,

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Dated: February 1, 2011

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRUSTEES OF THE BRICKLAYERS' PENSION
TRUST FUND-METROPOLITAN AREA, *et al*,

Plaintiffs,

v

EVERLAST MASONRY, INC. and DRKK
DEVELOPMENT, LLC

Defendants.

Civil Case No. 09-11290

Hon. Patrick J. Duggan

**ORDER FOR ADMINISTRATIVE CLOSING
DUE TO BANKRUPTCY STAY**

This matter having come on to be heard upon the advice of counsel for Plaintiffs that Everlast Masonry, Inc. filed a Petition under Chapter 7 of the United States Bankruptcy Code on March 5, 2010, *In re: Everlast Masonry, Inc.*, Case No. 10-46858, in the United States Bankruptcy Court for the Eastern District of Michigan, Southern Division (see Notice of Commencement of Chapter 7 Bankruptcy Case, filed herein as Docket No. 40), and that DRKK Development, Inc. filed a Petition under Chapter 7 of the United States Bankruptcy Code on March 30, 2010, *In re: DRKK Development, Inc.*, Case No. 10-50248, in the United States Bankruptcy Court for the Eastern District of Michigan, Southern Division (see Notice of Commencement of Chapter 7 Bankruptcy Case, filed herein as Docket No. 41) and pursuant to U.S.C. §362 (a) these proceedings are automatically stayed.

NOW, THEREFORE,

IT IS HEREBY ORDERED that:

1. This case is closed for administrative purposes without prejudice.
2. This closing does not constitute a dismissal or a decision on the merits.
3. In the event the bankruptcy stay is lifted or otherwise modified as to these proceedings, this case may be reopened on motion of any party.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: February 3, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 3, 2011, by electronic and/or ordinary mail.

s/Marilyn Orem
Case Manager